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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,953	09/19/2003	Taeko Ito	1232-5163	8338
27123	7590	01/30/2008		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER NEGRO, WANDA M	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 01/30/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/665,953

Applicant(s)

ITO ET AL.

Examiner

Wanda M. Negrón

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami et al. (US Application Publication No. 2003/0011684 A1), hereinafter referred to as Narayanaswami, and further in view of Tsuchiyima et al (US Application Publication No. 2002/0129255 A1).

Regarding **claim 1**, Narayanaswami discloses an image sensing apparatus, i.e. camera 100, comprising determining unit, i.e. watermark processor 134, adapted to determine whether an image file has authentication data (see paragraph [0048] and figure 2), and display unit (126). Narayanaswami, however, does not explicitly teach that the display unit 126 is adapted to display, in a predetermined area, information indicating that the image file has authentication data, if the image file has authentication data.

The concept and the advantage of displaying confirmation/warning information associated with the authentication data of a digital file is well known in the art, as evidenced by Tsuchiyima (see paragraph [0070]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the displaying capability taught by Tsuchiyima to the camera device disclosed by Narayanaswami because the user would receive a visual confirmation/warning about the authenticity of the image file when the image file has any authentication data. Furthermore, since the display area for displaying associated image file data is conventionally pre-programmed in a camera device, it would be inherent to display said information in a predetermined area of the display unit.

Regarding **claim 2**, official notice is taken that the concept of displaying data in the same position even if image display modes are switched is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to display information in the same position even if image display modes are switched since a person with ordinary skill has good reason to pursue the known options within his or her technical grasp if this leads to an anticipated result.

Regarding **claims 3 and 4**, official notice is taken that the concept and the advantage of having a camera with the capability of determining and displaying in a predetermined area whether an image file is protected is well known in the art. It would

have been obvious to one having ordinary skill in the art at the time the invention was made to include the capability of determining whether an image file is protected to the camera device taught by Narayanaswami because the user could be visually alerted of the image protection, preventing inadvertent deletion or modification of the protected image file. Furthermore, since the display area for displaying associated image file data is conventionally pre-programmed in a camera device, it would be inherent to display said information in a predetermined area of the display unit.

Regarding **claim 5**, official notice is taken that the concept and the advantage of simultaneously displaying various data associated with an image file is well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to display, if the image file has authentication data and is protected, in a predetermined area, information indicating that the image file has authentication data and is protected because the user could be visually alerted of the authenticity of the image file, when the image file has any authentication data, and could also be visually alerted of an image protection, preventing inadvertent deletion or modification of the protected image file. Furthermore, since the display area for displaying associated image file data is conventionally pre-programmed in a camera device, it would be inherent to display said information in a predetermined area of the display unit.

Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmura (US Patent No. 6,963,363 B1), and further in view of Tsuchiyima.

Regarding **claim 6**, Ohmura discloses an image sensing apparatus (see figure 2) having an image sensing unit, i.e. imaging circuit 202, comprising a setting unit adapted to set whether to add authentication data to image data sensed by said image sensing unit (see col. 6, line 62 – col. 7, line 7); a memory interface, i.e. storing circuit 206, which connects a predetermined storage medium, e.g. a memory card (see col. 3, lines 58-61)), in order to store image data sensed by said image sensing unit in said storage medium; storage control unit, i.e. CPU 201 (see col. 3, lines 45-46) adapted to add authentication data to image data sensed by said image sensing unit when storing the image data in said storage medium via said memory interface (see col. 8, lines 15-51), if said setting unit performs setting so as to add authentication data; a display unit (101) and display control unit, i.e. display circuit 209. Ohmura, however, does not explicitly teach that the display is adapted to display a desired image stored in said storage medium, and that the display control unit is adapted to, if authentication data is added to an image to be displayed on said display unit, displaying, together with the image, in a predetermined position, information indicating that the authentication data is added to the image.

The concept and the advantage of displaying confirmation/warning information associated with the authentication data of a digital file is well known in the art, as evidenced by Tsuchiyima (see paragraph [0070]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the displaying capability taught by Tsuchiyima to the

camera device disclosed by Ohmura because the user would receive a visual confirmation/warning about the authenticity of the image file when the image file has any authentication data. Furthermore, since the display area for displaying associated image file data is conventionally pre-programmed in a camera device, it would be inherent to display said information in a predetermined area of the display unit.

Regarding **claim 8**, Ohmura discloses an image sensing apparatus (see figure 2) having an image sensing unit, i.e. imaging circuit 202, and a display unit 101, comprising setting unit adapted to set whether to add authentication data to image data sensed by said image sensing unit (see col. 6, line 62 – col. 7, line 7); authentication data generating unit, i.e. electronic watermark embedding circuit 204, adapted to generate authentication data of image data obtained by image sensing, if said image sensing unit performs image sensing while said setting unit performs setting so as to add authentication data (see col. 8, lines 3-51 and figures 9-10); saving unit adapted to save, in a predetermined storage medium, the authentication data generated by said authentication data generating unit together with the image data obtained by image sensing; and display control unit, i.e. display circuit 209, that controls said display unit to display an image obtained by image sensing (see col. 3, lines 34-36). Ohmura, however, does not explicitly teach that the display control unit controls said display unit to display information indicating whether said setting unit performs setting so as to add authentication data.

The concept and the advantage of displaying confirmation/warning information associated with the authentication data of a digital file is well known in the art, as evidenced by Tsuchiyima (see paragraph [0070]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the displaying capability taught by Tsuchiyima to the camera device disclosed by Ohmura because the user would receive a visual confirmation/warning about the authenticity of the image file when the image file has any authentication data, thus indicating to the user if the authentication process was successful.

Regarding **claim 9**, official notice is taken that the concept and the advantage of performing parallel processing in a camera is well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to perform an authentication data generating process by said authentication data generating unit and a display process by said display control unit in parallel because the image captured could be evaluated sooner by the user.

Method **claims 7, 10 and 11** are drawn to the method of using the corresponding apparatus claimed in claims 6, 8 and 9. Therefore method claims 7, 10 and 11 correspond to apparatus claims 6, 8 and 9 and are rejected for the same reasons of anticipation (obviousness) as used above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Friedman (US Patent No. 5,499,294) discloses a digital camera equipped with a processor for authentication of images.
- Toyokawa et al. (US Patent No. 6,829,367 B1) disclose a display application for verifying the validity of an image file.
- Akashi (US Application Publication No. 2002/0015510 A1) teaches a digital camera having watermarking and copyrighting functions.
- Bell et al. (US Application Publication No. 2004/0201751 A1) disclose a digital camera wherein metadata is used for image authentication.
- Davis et al. (US Patent No. 7,010,144 B1) disclose a steganographic embedder that associates data with an image by encoding the data, a link to the data, or a combination of both.
- Shimizu et al. (US Patent No. 6,005,936) disclose a digital camera for embedding authentication data to detect the identity of a photographed image into an image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571)

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270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm
alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622
January 22, 2008

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal stroke extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER